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Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The Secretary-General submits the present report in response to General Assembly resolution 70/159, in which the Assembly requested the Secretary-General to seek the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-first session a substantive report on the impact of globalization on the full enjoyment of all human rights based on those views, including recommendations on ways to address the subject. The report provides a summary of the views received from the Governments of Bahrain, Burkina Faso, Cuba, El Salvador, Kuwait and Mauritius, as well as from the Economic and Social Commission for Asia and the Pacific. The report identifies common concerns and topics of interest. It concludes by making recommendations on how to address the impact of globalization on the full enjoyment of human rights.

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I. Introduction

1. In its resolution 70/159, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/70/154) and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-first session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 10 March 2016 to Member States and relevant agencies of the United Nations system for their views on the issue. As at 15 July 2016, OHCHR had received responses from the Governments of Bahrain, Burkina Faso, Colombia, Cuba, El Salvador, Kuwait and Mauritius, as well as from the Economic and Social Commission for Asia and the Pacific (ESCAP).

3. The replies are summarized below followed by conclusions and recommendations to address the impact of globalization on the full enjoyment of all human rights.[1]

II. Summary of replies received

A. Member States

Bahrain

4. The Government of Bahrain indicated that free trade and foreign investment agreements were part of the globalization process and represented significant elements for creating a free world economy built upon the pillars of democracy and justice. For example, Bahrain's free trade agreement with the United States of America had effectively stimulated the Bahraini economy in terms of building capital and foreign investment, which ultimately contributed to expanding employment opportunities and elevating living standards.

5. Bahrain regarded domestic labour laws as key factors in ensuring the protection of human rights, especially when considering free trade, foreign investment agreements and the potential impacts of globalization. In that regard, Bahrain's standards of treatment for expatriates and local employees, in addition to the pre-established court rules, had helped ensure the physical and moral integrity of employees. Bahrain's Labour Law focused on non-discrimination of employees on any grounds, including the protection of female employees by increasing maternity allowances and improving working conditions in terms of wages, working hours, overtime and holiday leave. The country's labour legislation also protected workers with children and established a minimum age of employment.

6. Bahrain expressed its concerns regarding the ability of developing countries to handle the negative impacts of globalization. Globalization might hinder the economic development processes of these countries and undermine their local

[1] The texts of the original submissions are on file with the Secretariat and are available for consultation.

economies, making it inconsistent with the principles of promoting a just and global economic system aimed at increasing the prosperity of all nations. Therefore, all countries needed to act in favour of global communities and not just individual country goals.

Burkina Faso

7. The Government of Burkina Faso listed some of the major impacts of globalization on the full enjoyment of all human rights. It emphasized that international trade rules and human rights norms had developed on separate and sometimes contradictory tracks. Burkina Faso warned that liberalization should not be synonymous with deregulation. It called on the international community to respect fundamental human rights, with regard to the protection of the environment and the regulations of the host countries.

8. All strategies to prevent and solve conflicts must be centred on the respect of economic and social rights of populations, particularly of minorities. The scarcity of resources and the struggle to assure minimum standards of living in situations of extreme poverty created conflicts between communities. The Government was undertaking efforts for the prevention of conflict, such as the establishment of a national observatory for the prevention and management of community conflicts. For certain populations, the enjoyment of the rights to education, work, housing and an adequate standard of living was not possible without forsaking their cultural identity, in particular their language and way of life. International efforts were needed to protect cultural identities from the effects of globalization. There was a need to eliminate prejudices that obstructed the participation of women in the benefits of globalization. Burkina Faso therefore adopted a national plan of action against the social exclusion of women accused of witchcraft, which would reinforce the capacity of organizations fighting against their social exclusion.

9. Burkina Faso affirmed that access to justice was limited by extreme poverty. At the national level, human and financial resources were needed to guarantee access to justice. To this end, the State had set up judiciary assistance funds to further allow indigent persons access to justice. The international regime for the protection of migrant workers needed to be reinforced in order to protect them from exploitation and to fight against transnational crime. Burkina Faso was developing a national migration strategy that would contribute to improved management of migration flows and combat the negative effects of migration such as discrimination. As a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the country had adopted legislative, administrative and judicial measures to better protect migrants, including a law to combat trafficking in persons.

10. Appropriate measures must be taken in an inclusive way among States to promote equitable development that is conducive to eradicating poverty. However, most often developing countries were excluded from economic decisions and therefore struggled to assert their views and their interests internationally. Globalization translated not only into integration but also into fragmentation. Burkina Faso therefore had a cultural policy that sought to create an identity adapted to modern times and to consolidate social peace as a factor of economic growth and development.

Colombia

11. The Government of Colombia deemed opportune the initiatives of the General Assembly to promote development, to eradicate poverty and to fight inequalities among and within States, by stressing the need for States to confront the negative effects of globalization on the full enjoyment of human rights, in particular in developing States. There was a need to strengthen cooperation to promote fair, equal and inclusive globalization that built capacity for the economic sector without affecting the enjoyment of human rights.

12. A fair analysis of the effects of globalization on human rights needed to address its social dimensions, including its effects on poverty, gender inequality, food insecurity, unemployment and discrimination. Colombia had implemented policies aimed at generating greater social equity and guaranteeing human rights, while attempting to mitigate the negative effects of globalization. From 2010 to 2015, poverty and extreme poverty in the country had decreased by 12 per cent and 6.3 per cent, respectively. Access to higher education and housing had increased significantly. In addition, access to potable water and basic sanitation had been provided to millions of families.

13. Furthermore, the Government had initiated a participatory multi-stakeholder process to develop a national plan of action on industry and human rights. The plan was based on the conviction that industry and transnational companies must respect human rights. Human rights, sustainability and corporate responsibility should not be regarded as separate concepts. On the contrary, sustainability strategies allowed corporations to take into consideration the human rights of employees, the surrounding communities and value chains that ultimately increased quality and efficacy.

14. Governments had to implement participatory and integral policies to recognize both the responsibilities and needs of corporations. Colombia was formulating a policy on social corporate responsibility with an initial focus on minimum legal standards, and the ultimate objective of achieving respect and promotion of human rights, labour practices, transparency and anti-corruption, and the mitigation of environmental damage. In addition, Colombia reiterated the need to eliminate hunger and ensure food security for all. In that regard, globalization must be used as a tool to combat malnutrition and to combine efforts to fight it.

Cuba

15. The Government of Cuba recognized that globalization had profound repercussions on the enjoyment of human rights. Globalization created and reinforced interdependencies, and thus all communities must participate in the management of global processes in order to share responsibility. The role of the General Assembly was central as the universal forum to reshape the globalization process. Globalization should constitute a positive force for the economic and social development of all States; however, its main benefits were being enjoyed by developed countries, while the costs were absorbed by poor States. This had had a negative impact on the full enjoyment of human rights. The international agenda must aim to reduce the unequal distribution of the benefits of globalization and to narrow the gap between the rich and poor, among and within countries.

16. Cuba listed the global economic crisis and speculative competition, the expanding business of warfare, unsustainable patterns of energy production and consumption, systematic damage to the environment and the food crisis as some of the negative effects of globalization. Other effects included the imposition of one model of democracy on developing countries. Cuba argued that globalization had diminished the financial and economic capacity of States to realize the right to development, as well as their ability to guarantee basic public services. It was advancing a process of neocolonialism as transnational corporations increased their influence on developing countries, which infringed upon the right to self-determination. Globalization had increased restrictions on migration towards the industrialized world, and was contributing to the expansion of drug trafficking, prostitution, human trafficking and discrimination. Similarly, instead of facilitating technology transfer, intellectual property regimes had been strengthened to protect monopolies, perpetuating the dependency of developing countries.

17. Existing inequalities had sharpened and made illusory the aspirations to count on open, multilateral, transparent and democratic financial and monetary systems, based on coherent and non-discriminatory rules, to better distribute the benefits of a global economy. The international community was far from establishing a social order where their liberties were in effect, as proclaimed in the Universal Declaration of Human Rights, the Declaration on the Right to Development and the Vienna Declaration and Programme of Action adopted by the World Conference of Human Rights. It was necessary to strengthen international cooperation and build a more humane and equitable international order in which social justice and international solidarity were central.

18. Cuba called for the establishment of a transparent and democratic international financial system. Specific measures proposed included a development tax, the cancellation of foreign debt, increased development assistance — which should not be conditional or subordinate to the economic and political interests of donors — and preferential trade agreements that compensated for growing inequalities. It also called for the reform and democratization of the United Nations in order to increase its efficiency. Cuba reiterated the importance of placing development as a central element of the International Economic Agenda with a view to adopting the necessary policies and means at the international level that corresponded to the needs of developing countries.

El Salvador

19. The Government of El Salvador recognized that market liberalization generated an interest in countries to attract investment capital which could lead to a race to attract industries searching for financial incentives and a low-cost workforce. Although these investments could be a source of production and employment which could ultimately favour economic and social development for countries, they did not always contribute to the effective enjoyment of the right to an adequate standard of life by all. Globalization also posed a risk to the environment because of the overexploitation of natural resources and industrial pollution.

20. El Salvador recognized that globalization had economic, political, social and environmental facets and could be a risk to the effective enjoyment of all human rights. It was the responsibility of States to mitigate its potential risks and increase

its opportunities by adopting policies that created social equity and inclusion. States must guarantee the adequate functioning of the institutions that conducted the process of globalization in order to ensure that globalization was paired with the progressive development of human rights.

21. In that context, El Salvador had established a five-year plan aimed at attaining higher standards of prosperity, inclusion, equality and democracy in the country. The plan sought to prioritize the right of all individuals to a dignified, full and happy life free of discrimination; to ensure that human fulfilment occurred collectively, equally and in a mutually supportive manner, in a context of peace, equity, deep respect and harmony with nature; to actively lead the process of "good living"; and to ensure balance and shared responsibility among the various national actors.

22. El Salvador warned that, in order to diminish the negative effects of globalization on all human rights, there was a need for sovereign States with strong institutions, capable of taking their own decisions and having control of their territories, to establish a legal order that guaranteed safety, well-being, sustainable development and conditions of equality for all.

Kuwait

23. The Government of Kuwait indicated that globalization had affected the political, economic, cultural and social lives of Kuwaiti communities and those of communities of other countries. In that context, the country had taken steps towards promoting and strengthening community partnerships and promoting the establishment of non-governmental organizations that focused on human rights.

24. Kuwait identified several mechanisms that would help the country to cope with the negative effects of globalization on the full enjoyment of human rights. For example, the country established a national fund for small and medium enterprise development to protect such enterprises against the inflationary effects of market prices. Similarly, a social assistance system had been developed to diversify income sources and provide for social safety net mechanisms, in order to accommodate the countrywide economic and social changes resulting from globalization. Kuwait announced that it was engaging in a number of agreements with the World Bank to develop a strategic framework for safety nets in order to restore economic and social balance, while ensuring the protection of human rights.

25. In line with advancing globalization, Kuwait had taken steps towards promoting cooperation between the Government and civil society organizations, as well as with the United Nations Development Programme, in order to achieve the Sustainable Development Goals. In particular, the country was working towards achieving Goal 5 on achieving gender equality and empowering all women and girls through the organization of a national forum on the topic. Other measures were aimed at promoting growth in domestic and external spending projects, facilitating the creation of development institutions, and supporting governmental and private institutions engaged in development work.

26. Furthermore, through the application of democratic principles and the use of technology, the country has continued to raise awareness of civil society institutions and of the general population regarding human rights, and ensure the openness of social systems and the cohesion of different cultures and societies. Kuwait also

sought to consolidate its role as a hub for humanitarian work. To that end, it acknowledged that technology played an influential role in social development, by expediting the delivery of help to societies affected by natural disasters and conflict.

27. Finally, Kuwait noted some of the negative social effects of globalization, such as the emergence of organizations that take advantage of their social role and partnership in the community for purposes beyond those upon which they were established; the influence of globalization on national cultural identity, including the effect of social media on family cohesion through the spread of negative values; the impact of rapid technological advancements that provided young people with access to a worldwide network of organizations involved in terrorism and acts of violence; and the negative impact of technological development, as this facilitated human trafficking.

Mauritius

28. The Government of Mauritius believed that the Human Rights Council should take into consideration the fact that small island developing States faced greater challenges in mobilizing resources. In that regard, the country had undertaken a number of initiatives to reduce its vulnerability to external factors and increase its resilience to economic shock. Despite fiscal reforms, there were limitations to financing mobilization as the country's tax base was limited, with no capacity to benefit from economies of scale. The reforms were also constrained by the debt level ratio, a high level of unemployment and an ageing population. Therefore, efforts to address the negative effects of globalization on the full enjoyment of all human rights should take into consideration the specific needs and realities of small island developing States.

29. Conscious of the need to combat the scourge of poverty in a sustainable manner and through a multi-pronged approach, the country had developed a Marshall Plan against poverty. The plan would further promote the full enjoyment of the economic and social human rights of vulnerable people in Mauritius. The advent of globalization had led business activities to transcend national borders, making the commercial world more progressive and interdependent. The globalization of markets and economies had raised a need for competition laws in developing countries. Large multinationals had negatively influenced the domestic market with anticompetitive practices, resulting in a diffused impact on the economic stability and competitiveness of importing markets. Mauritius suggested the enforcement of competition laws and policies to depress the negative effects of anticompetitive conduct in both domestic and foreign markets.

30. Competition law and policy should be aimed at emulating free market conditions, stimulating economic efficiency and promoting redistributive justice between consumers and enterprises. In that context, it was significant to protect socioeconomic rights and property rights. A successful competition policy should achieve legitimacy, address all interest groups and social classes, and confront economic problems as they arise. Mauritius also advocated for public procurement policies as a means of ensuring the efficient allocation of public resources and combating corruption. Competition law and policy must address the concerns of the lower classes and the major economic problems confronting them, in particular unemployment, poverty, and inequality in wealth, income and opportunities.

31. Agriculture and small and medium enterprises were sectors that felt a greater impact in terms of providing employment for the poor and ensuring food security. The economic agents involved in these sectors had weaker bargaining power against providers of inputs such as fertilizers and agrochemicals. As such, providing exemptions to economic agents in these sectors could be of greater benefit for society and help in the achievement of inclusive and sustainable growth. The extent to which the reduction of entry barriers would affect prices and alleviate poverty through competition law enforcement would be influenced by the market in which competition law was being enforced. This could serve to guide the strategic choices of enforcement agencies. Effective market interventions could have real and long-term effects that encouraged economic equity. It further had the potential to address exclusionary market structures that tended to create concentrated wealth distribution that did not trickle down.

B. United Nations organizations

Economic and Social Commission for Asia and the Pacific

32. The Economic and Social Commission for Asia and the Pacific (ESCAP) identified areas where globalization had had an impact on the enjoyment of human rights. In respect of macroeconomic policy and financing for development, it emphasized that financial regulation along with judicious use of macroprudential measures were key to reduce instability, which disproportionately affected the poor and the vulnerable. It was crucial to reform the international monetary system in order to secure sustained global financial stability and to support efforts to improve financial regulation and supervision at the domestic level.

33. ESCAP highlighted the role of microfinance, and recognized that economies in Asia and the Pacific were facing increasing economic and financial turbulence owing to heightened uncertainty in the wake of several emerging risks. Many people, especially vulnerable groups, continued to be excluded from basic financial services owing to cultural factors, underdeveloped financial institutions, weak financial literacy and a lack of targeted support. Global and regional advocacy, knowledge exchange and capacity support would be crucial for promoting greater financial inclusion. Regional tax cooperation strategies were important policy tools in promoting shared prosperity through targeted tax incentives to align the behaviour of the private sector with the principles of the Sustainable Development Goals.

34. Among other activities, ESCAP supported the efforts of many countries for the realization of the human right to be recognized as a person before the law. Member States had committed to achieving universal registration of births and deaths by 2024. In terms of trade, investment and innovation, ESCAP coordinated research and training efforts to increase the understanding of policymakers about social implications of preferential trade agreements. Furthermore, the agency would be assisting Member States to develop data sources and indicators to support the development of social investment.

35. In order to reduce discrimination against persons with disabilities, ESCAP had been working to enhance national capacity as a tool to enhance participation of this group in social and economic development. The focus had been to promote ratification and implementation of the Convention on the Rights of Persons with

Disabilities. Legislative reviews on compliance with the Convention had been undertaken in three Member States. The Economic and Social Commission for Asia and the Pacific had also undertaken efforts aimed at addressing the potential negative impacts of globalization on employment for women.

III. Conclusions and recommendations

A. Conclusions

36. The above responses reaffirmed the view that globalization was a multifaceted process that affected the political, economic, cultural and social aspects of life, deepening inequities that affected developing countries disproportionately. Its main benefits were enjoyed mostly by developed countries while its costs were absorbed by poorer ones. This adversely affected the full enjoyment of human rights, including the right to development, in both developed and developing countries. Concerns remained regarding the ability of developing countries to handle the negative implications of globalization, as it hindered their economic development processes. In addition, developing countries were often excluded from economic decisions that affected them.

37. Concerns were raised on a range of specific issues, including in relation to the realization of human rights in the context of globalization and the implementation of the Sustainable Development Goals, namely, the need to: eliminate prejudices that obstructed the participation of women in sharing the benefits of globalization; eliminate discrimination of persons with disabilities; protect cultural identities from the negative effects of globalization; and guarantee access to justice, which was constrained by the existence of extreme poverty. It was also affirmed that globalization enabled the expansion of drug trafficking, human trafficking and discrimination, and posed a significant risk to the environment.

38. Good governance within each country and at the international level was needed in order to ensure that globalization was complemented by the progressive development of human rights. Sovereign States should be able to establish legal orders that guaranteed safety, well-being, sustainable development and conditions of equality for all.

39. Strengthened international cooperation was required to build a more humane and equitable international order, in which social justice and international solidarity were dominant. There was also a need for cooperation between Governments and civil society organizations. The United Nations was recognized as the universal forum where an enabling environment for the realization of all human rights, including the right to development, could be promoted. However, some respondents called for reform and democratization of the Organization.

40. It was acknowledged that free trade and foreign investment agreements played a significant role in the world economy. However, international trade rules and human rights norms had developed along separate paths. Globalization had diminished the capacity of States to realize the right to development, ultimately deepening inequalities and denying access to basic services and rights to millions of individuals. Small island developing states faced even greater challenges in mobilizing resources to cope with the negative impacts of globalization, despite

their efforts to reduce their vulnerability to external factors and increase their resilience to economic shocks.

41. Respondents called for the establishment of an equal, transparent and democratic international financial system. Domestic labour laws were key factors to ensuring the protection of human rights. Financial regulation was crucial to reduce instability, which often had disproportionately affected the most vulnerable. Governments had the duty to promote responsible operations of transnational corporations and other businesses which contribute to the promotion, protection and fulfilment of all human rights.

B. Recommendations

42. The international community must promote equitable development that is conducive to eradicating poverty, prioritizing the equal distribution of the benefits of globalization and narrowing the gap between the rich and poor, among and within countries. States must ensure that their positions on sustainable development, trade, finance and investment are at all times consistent with their human rights obligations. Cooperation and participation need to be strengthened at all levels in order to promote fair, equal and inclusive globalization that builds capacity for economic sectors without affecting the enjoyment of human rights.

43. The steady growth of international and transnational business and global value chains calls for more effective regulation. With a new role for multi-stakeholder finance in development and an increasingly engaged transnational civil society, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the Paris Agreement and the Declaration on the Right to Development — which informed the 2030 Agenda — must be guiding forces in realizing the vision of a sustainable social and international order in which all rights and freedoms are achieved for all humanity.

44. Among other pressing issues, the international protection of migrant workers needs to be strengthened in order to avoid exploitation and transnational crime. Countries must also join efforts in order to combat malnutrition and address the growing threat of climate change. Competition law and policy must address issues such as unemployment, poverty and inequality Regional tax cooperation strategies should be strengthened to align the private sector with the Sustainable Development Goals. Intellectual property regimes should be reformed so they facilitate technology transfer and universal access to medicines.

45. The trend of hiding assets in offshore jurisdictions is yet another manifestation of ascendant globalization and its poor regulation, and the dire need for accountability. Similarly, spiralling expenditure on arms combined with growing social strife worldwide, tax evasion, illicit financial outflows and systemic arrangements deprive Governments of resources and erode domestic policy space, especially in low- and middle-income countries, and deny the progressive realization of rights and peoples' access to public goods and services. In an integrated global economy, they also reverse social welfare in advanced economies and aggravate inequalities everywhere.

46. Free trade agreements and investment treaties have a direct impact on human rights. They can diminish the domestic policy space required to regulate in the public interest and to deliver on human rights obligations. They must therefore be negotiated with active involvement, consultation and the consent of the general public, and must not undercut guarantees of economic, social and cultural rights, including the rights to food, water, health and social security. Towards this end, human rights impact assessments are an essential prerequisite to future agreements. These should include recommendations on mechanisms for private sector accountability and victim redress.

47. Efforts to reshape globalization must aim to protect the environment while respecting the regulations of host countries and to end all discrimination in accessing the benefits of globalization. They must involve the free, active and meaningful participation of historically excluded groups such as women, the poor, persons with disabilities, children, older persons, indigenous peoples and minorities. Good governance at all levels is a prerequisite to achieving an equitable, transparent and democratic international system where developing countries can participate in international economic decision-making and norm-setting on an equal footing with developed States.